

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TRUSTEES OF THE SUBURBAN TEAMSTERS)
OF NORTHERN ILLINOIS PENSION FUND)
AND WELFARE FUNDS,)
Plaintiffs,)
v.) No. 08 C 2280
MCDONALD TRANSPORT CORP.) Magistrate Judge Denlow
an Illinois corporation not in good standing, and)
PATRICK MCDONALD, Individually)
Defendants.)

MOTION TO REINSTATE AND FOR JUDGMENT IN SUM CERTAIN

NOW COMES the Plaintiff, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION FUND AND WELFARE FUNDS, by and through its attorney, JOHN J. TOOMEY, ARNOLD AND KADJAN, and moves to reinstate the case which was previously dismissed pursuant to a Notice of Dismissal on June 26, 2008 and pursuant to FRCP 55 move for entry of a default judgment in sum certain based upon the Defendant's default in the settlement agreement as stated in the supporting Affidavits attached hereto. In support of its Motion, Plaintiffs state as follows:

1. On June 26, 2008, the case was dismissed with leave to reinstate before September 1, 2009 pursuant to the terms of a written settlement agreement which called for

the prompt payment of the installment payments copies of which are attached to the Affidavit of Olga Kane as Exhibits A through D.

2. The initial installment payments were made; however, Defendants have has defaulted on the May 30, 2009 through June 30, 2009 installment payments, was given notice and an opportunity to cure.

3. Defendants are now in default as to the Complaint and as supported by the attached Affidavits the sums due are:

\$295.11 Pension
\$661.99 Welfare
\$925.00 Attorneys fees
\$447.00 Court costs
\$2,329.10

WHEREFORE, Plaintiffs pray that the action be reinstated and for the entry of judgment against Defendants, MCDONALD TRANSPORT CORP., an Illinois corporation not in good standing, and PATRICK MCDONALD, Individually and in favor of Plaintiffs, TRUSTEES OF THE SUBURBAN TEAMSTERS OF NORTHERN ILLINOIS PENSION AND WELFARE FUNDS in the amount of \$2,329.10.

s/John J. Toomey
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Dated: August 13, 2009